

Christopher M. Von Maack (10468)

vonmaack@mvmlegal.com

MCNEILL | VON MAACK

236 South 300 East

Salt Lake City, Utah 84111

Telephone: 801.823.6464

Andrew B. Peretz (*pro hac vice*)

aperetz@peretzlapa.com

LAW OFFICES OF ANDREW B. PERETZ P.A.

One East Broward Boulevard, Suite 700

Fort Lauderdale, Florida 33301

Telephone: 954.558.8829

Attorneys for Third-Party Defendant Ashley Miron Leshem

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

CAPANA SWISS ADVISORS AG, a Swiss corporation; and AMERIMARK AUTOMOTIVE AG, a Swiss corporation,
Plaintiffs,

v.

RYMARK, INC., a Utah corporation; NICHOLAS THAYNE MARKOSIAN, an individual; JOHN KIRKLAND, an individual; and VICKY SMALL, an individual,

Defendants.

RYMARK, INC., a Utah corporation; and NICHOLAS THAYNE MARKOSIAN, an individual,

Counterclaim Plaintiffs,

v.

CAPANA SWISS ADVISORS AG, a Swiss corporation; and AMERIMARK AUTOMOTIVE AG, a Swiss corporation.

Counterclaim Defendants.

**STIPULATED MOTION FOR
EXTENSION OF TIME TO FILE REPLY
MEMORANDUM SUPPORTING THIRD-
PARTY DEFENDANT ASHLEY MIRON
LESHM'S MOTION TO DISMISS**

Case No. 2:23-cv-00467-TS-CMR

District Judge Ted Stewart

Magistrate Judge Cecilia M. Romero

**RYMARK, INC., a Utah corporation; and
NICHOLAS THAYNE MARKOSIAN, an
individual,**

Third-Party Plaintiffs,

v.

**SHAEN BERNHARDT, an individual;
ASHLEY MIRON LESHEM, an
individual; DAVID HESTERMAN, an
individual; NICOLAI COLSHORN, an
individual; STEFAN KAMMERLANDER,
an individual; ALEXANDER COENEN,
an individual; MARTIN FASSER HEEG,
an individual; AMERIMARK GROUP
AG, a Swiss corporation; and
PHILOMAXCAP AG, a German
corporation,**

Third-Party Defendants.

Pursuant to DUCivR 7-1(a)(5), Plaintiffs Capana Swiss Advisors AG and AmeriMark Automotive AG (collectively, “Plaintiffs”), Third-Party Plaintiffs Rymark, Inc. and Nicolas Thayne Markosian (collectively, “Third-Party Plaintiffs”), and Third-Party Defendant Ashley Miron Leshem (“Leshem”), through their respective counsel of record, hereby stipulate and move the Court to extend the deadline for Leshem to file his reply memorandum supporting Third-Party Defendant Miron Leshem’s Motion to Dismiss through April 24, 2025. *See* DUCivR 7-1(a)(5).

Good cause exists for the requested extension because (1) it is stipulated, (2) this motion is filed before the filing time has passed, (3) it is an accommodation for the long-planned family vacations of counsel for Leshem, and (4) it is for a modest period of time—14 days. Accordingly, Plaintiffs, Third-Party Plaintiffs, and Leshem respectfully request that the Court (a) grant this stipulated motion and (b) extend the deadline for Leshem to file his reply

memorandum supporting Third-Party Defendant Miron Leshem's Motion to Dismiss through April 24, 2025.

As this motion is stipulated, a proposed order granting the requested extension is attached as Exhibit "A" and concurrently emailed to the Magistrate Judge's chambers.

DATED this 7th day of April, 2025.

MCNEILL | VON MAACK

/s/ Christopher M. Von Maack
Christopher M. Von Maack
Attorneys for Third-Party Defendant Ashley Miron Leshem

KUNZLER BEAN & ADAMSON

/s/ Stephen Richards
(Signed with permission via April 7, 2025 email)
Robert P. Harrington
Stephen Richards
Taylor J. Smith
Chad S. Pehrson
*Attorneys for Third-Party Plaintiffs Rymark, Inc. and
Nicholas Thayne Markosian*

PARSON BEHLE & LATIMER

/s/ Erik A. Christiansen
(Signed with permission via April 7, 2025 email)
Erik A. Christiansen
Hannah J. Ector
*Attorneys for Plaintiffs Capana Swiss Advisors AG and
AmeriMark Automotive AG*

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the law firm of McNEILL VON MAACK, 236 South 300 East, Salt Lake City, Utah 84111, and that, pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, a true and correct copy of the foregoing **STIPULATED MOTION FOR EXTENSION OF TIME TO FILE REPLY MEMORANDUM SUPPORTING THIRD-PARTY DEFENDANT ASHLEY MIRON LESHEM'S MOTION TO DISMISS** was delivered this 7th day of April, 2025, via CM/ECF to all parties and counsel registered to receive email notices of filings.

/s/ Camille Coley